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**SEP 16 2004**

In re Application of  
Georg Kallmeyer et al  
Application No. 09/308,223  
Filed: August 12, 1999  
Attorney Docket No. P8341-9011

**OFFICE OF PETITIONS**  
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 4, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed June 4, 2002, which set a shortened statutory period for reply of three (3) months. A reply under 37 CFR 1.113 is limited to an amendment that *prima facie* places the application in condition for allowance or a Notice of Appeal (and appeal fee required by 37 CFR 1.17(b)). The reply submitted on October 2, 2002 did not *prima facie* place the application in condition for allowance as noted in the Advisory Action mailed November 6, 2002. Therefore, as no Notice of Appeal (and appeal fee), Request for Continued Examination (RCE) or a continuing application was timely filed. Extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 5, 2002.

The above-identified application is being revived for consideration of a submission under 37 CFR 1.114 (request for continued examination).

The Associate Power of Attorney and Change of Correspondence Address filed on December 4, 2003 is noted.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

The file is being forwarded to Technology Center AU 1642 for processing of the request for continued examination (RCE) under 37 CFR 1.114.

  
Wan Laymon

Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy